

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (currently amended): A negative electrode for a secondary battery capable of occluding and releasing lithium ion, ~~including comprising~~ at least one layer ~~comprising~~ consisting essentially of an alloy or complex oxide of (1) a containing-metal forming alloy with lithium or lithium and (2) a metal not-forming alloy with lithium.

2. (currently amended): A negative electrode for a secondary battery capable of occluding and releasing lithium ion, ~~having comprising a layer comprising~~ consisting essentially of an alloy or complex oxide of (1) a containing-metal forming alloy with lithium and (2) a metal not-forming alloy with lithium.

3. (currently amended): A negative electrode for a secondary battery as claimed in claim 1 or 2, wherein the metal forming alloy with the-lithium contains at least one metal selected from a ~~group~~ group consisting of Si, Ge, Sn, Al, Pb, Pd, Ag, In and Cd.

4. (currently amended): A negative electrode for a secondary battery as claimed in claim 1 or 2, wherein the metal not-forming alloy with the-lithium contains at least one metal selected from a group consisting of Cu, Fe, B, Ni, Ti, Ta, W, Cr and Co.

5. (currently amended): A negative electrode for a secondary battery as claimed in claim 1 or 2, further ~~containing~~comprising a layer comprising a lithium occlusion material.

6. (currently amended): A negative electrode for a secondary battery as claimed in claim 5, wherein ~~a~~the layer comprising the lithium occlusion material is a carbon-based layer.

7. (currently amended): A negative electrode for a secondary battery as claimed in claim 1 or 2, wherein ~~a~~the layer comprising the alloy or complex oxide is formed through a sputtering technique, a CVD technique, a vapor deposition technique, or a plating technique.

8. (currently amended): A negative electrode for a secondary battery as claimed in claim 1 or 2, wherein ~~a~~the layer comprising the alloy or ~~complete-complex~~ oxide has an amorphous structure.

9. (previously presented): A negative electrode for a secondary battery as claimed in claim 1 or 2, further comprising a lithium metal layer.

10. (currently amended): A secondary battery provided with ~~a~~the negative electrode for a secondary battery as claimed in claim 1 or 2, a positive electrode capable of occluding and releasing lithium ion, and an electrolyte arranged between the negative electrode and the positive electrode.